IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 14514 of 2004

Between:

R. Chinna Peddanna S/o. Gangaram,
R/o. Jagatyal, Karimnagar District.

..... PETITIONER

AND

1 The Karimnagar District Co-Operative Central Bank Ltd., rep. by its General Manager, Karimnagar.
2 Dy. General Manager-II & The Enquiry Officer, The Karimnagar District Co-Operative Central Bank Ltd., Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue any Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not providing the petitioner an opportunity to examine and cross-examine the defence witnesses and prosecuting witness as arbitrary, illegal, violative of Article 21 of the Constitution of India apart from being violative of the principles of natural justice as contrary to the rules of the respondent bank.

Counsel for the Petitioner: MR.V.S.R.MURTHY

Counsel for the Respondent Nos.1 & 2: MR.P.M.GOPAL RAO

The Court at the admission stage made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.14514 OF 2004

ORDER:

The petitioner is working in the respondent bank. A disciplinary action was initiated against him, and an enquiry report was submitted by the enquiry officer to the management of the respondent bank. The management issued a final show cause notice to the petitioner seeking his explanation, proposing punishment. The petitioner, instead of filing his explanation before the disciplinary authority, approached this Court through this Writ petition seeking a direction in the nature of writ of Mandamus by holding that the failure of the respondent in providing the petitioner an opportunity to cross-examine the witnesses examined in the enquiry and to examine his witnesses, as arbitrary, illegal and violative of Article 21 of the Constitution of India. The enquiry proceedings are still pending with the disciplinary authority. No final order has been passed so far.

2. The petitioner is at liberty to submit an explanation to the final show cause notice before the disciplinary authority bringing the alleged irregularities and illegalities committed by the enquiry officer and may also seek personal hearing to impress upon the disciplinary authority his point of view in the matter.

3. The writ petition is premature and accordingly disposed of by giving liberty to the petitioner to agitate all these aspects before the disciplinary authority by way of an explanation. The disciplinary authority may on an application by the petitioner, give personal hearing in the matter before passing the final orders.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

17th August, 2004

SKM

TO

1 The General Manager, Karimnagar District Co-Operative

Central Bank Ltd., Karimnagar.
2 The Dy. General Manager-II & The Enquiry Officer,

The Karimnagar District Co-Operative Central Bank Ltd., Karimnagar.

3 Two C.D.Copies.